

United States Marine Corps  
Command and Staff College  
Marine Corps University  
2076 South Street  
Marine Corps Combat Development Command  
Quantico, Virginia 22134-5068

MASTER OF MILITARY STUDIES

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**TITLE:**

**Reflexive versus Reflective: Thinking Beyond the Rules of Engagement to  
"Keep Our Honor Clean"**

SUBMITTED IN PARTIAL FULFILLMENT  
OF THE REQUIREMENTS FOR THE DEGREE OF  
MASTER OF MILITARY STUDIES

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## **Executive Summary**

**Title:** Reflexive versus Reflective: Thinking Beyond the Rules of Engagement to “Keep Our Honor Clean”

**Author:** Lieutenant Colonel Brian H. Roberts, United States Marine Corps Reserve

**Thesis:** The “sanctity of life” principle provides the surest foundation to build ethical behaviors based on objective values that reflectively examine the developing engagement with a firm moral compass instead of reflexively reacting with the false assurance that you are acting within the rules of engagement. This serves as the standard we must instruct and expect from our Marines and ourselves.

**Discussion:** The easy solution to difficult dilemmas such as the Haditha incident is to write off the individuals as morally corrupt anomalies. This would be the reaction of an immature and unhealthy institution. Instead, the Marine Corps undergoes constant self-examination to determine how it can “know itself and seek self-improvement”. The exigent moral challenges of complex battlefield that our Marines are encountering are not expected to change in the near future. The Mental Health Advisory Team IV Operation Iraqi Freedom 05-07 report released on 17 November 2006 did not provide startling revelations, but accented the need to address some key leadership challenges facing our Marine Corps. Commandant Conway’s call for noncommissioned officers to remain the backbone of the Marine Corps and the best enforcers of battlefield ethics was reinforced by the report. Marine Corps Martial Arts Program (MCMAP) provides the best program to integrate the mental and character disciplines while Marines are fatigued and threatened as the perfect classroom to ingrain institutional values and individual expectations. MCMAP provides great opportunity for noncommissioned officers to exhibit direction, control, and moral judgment prior to combat.

**Conclusion:** Objective standards to include virtue and values with the “sanctity of life” principle provide the surest foundation to build ethical behaviors based on objective values. Determining objective values is only the beginning; acting upon those values denotes maturity. Moral courage is defined by the “core values that drive the assessment of risk, the adherence to principle, and the willingness to endure.” Reflectively examining the developing engagement with a firm moral compass instead of reflexively reacting with the assurance that you are acting within the rules of engagement is the standard that we must instruct and expect from our Marines and ourselves.

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## *NATURE OF THE CONFLICT*

If honor, courage, and commitment are to be more than mere words our fighting force carries on laminated cards in our wallets, it is essential to address the exigent moral challenges of the complex battlefield that our Marines are both encountering and expected to encounter in the near future. The United States military technical and warfighting superiority has pressed potential adversaries to re-examine strategies and embattle us in non-linear engagements. The moral fiber of Marines will be tested through “irregular warfare”, “asymmetrical warfare”, “fourth-generation warfare” or any other faddish term one desires to moniker where an enemy does not take on United States armed forces toe to toe; but blends into the populace and utilizes the strengths of anonymity and faceless bloodying of our forces through improvised explosive devices and hit and disappear tactics. Leaders will be measured by their restraint in combat, as equally if not greater than their ability to coordinate maneuver and effects on the modern battlefield. Major General John A. Lejeune wrote in Marine Corps Manual, Edition of 1921, that “officers, especially commanding officers, are responsible for the physical, mental, and moral welfare, as well as the discipline and training of the young men under their command and serving the nation in the Marine Corps.”<sup>1</sup> The necessity to equip Marines to be able to “do the right thing” in complex environments is not the sole responsibility of the officer ranks, but permeates all levels of leadership in the Marine Corps. Marine Corps Commandant James Conway has stated that:

The challenges of combat demand strong leadership at all levels, but in particular where “the rubber meets the road.” This is where the Corps has its greatest strength—the steadfast leadership of our NCOs. These small unit leaders reinforce our Core Values of Honor, Courage, and Commitment—through example and action, and this value system is crucial to winning the Long War. While the battlefields may change, our values will not.<sup>2</sup>

It is essential to determine how we can better prepare our Marines to hold to Corps values in desperate actions and still keep their honor clean; especially considering the present chaotic warfighting environment and increased operational tempo on our young force.

Military ethics help Marines explore and identify such thorny questions as “what am I willing to die for and what actions can I take that I am willing to live with?” Ethical considerations are increasingly raised by the unbalanced playing surface in the current battlefield. The high calling and responsibilities of our warrior profession are challenged by the impact of faceless enemy inflicted losses, non-uniformed combatants, and an often complicit populace. When combined with an intense aversion to risk the lives of our entrusted Marines in a prolonged, ambiguous conflict; the Marine warrior ethos corner stoned by honor, courage, and commitment is in danger of moral collapse. According to James Toner, ethics is “the study of good and evil, of right and wrong, of duty and obligation in human conduct, and of reasoning and choice about them.”<sup>3</sup> This theoretical construct took on concrete form and substance in late 2005 in a study which included battlefield ethics of Army and Marine personnel engaged in combat operations in Iraq. The *Mental Health Advisory Team IV Operation Iraqi Freedom 05-07* (MHAT IV) report, released on 17 November 2006, highlighted several key attitudes of Soldiers and Marines that merit discussion and consideration.

The report underscored that the most likely battlefield ethics violation would be the failure to report a unit member injuring or killing an innocent non-combatant. Only 55% of Soldiers and 40% of Marines responded they would.<sup>4</sup> Another crucial indicator identified how U.S. forces perceived they should treat non-combatants.

Less than half of Soldiers and Marines believed that non-combatants should be treated with dignity and respect and well over a third believed that torture should be allowed to save the life of a fellow team member. About 10% of Soldiers and Marines reported mistreating an Iraqi non-combatant when it wasn't necessary, either by destroying property or kicking them.<sup>5</sup>



These harsh revelations in conjunction with the burdens placed on a young force challenged to cope with minimal intervals between combat deployments are a pressing leadership challenge. Great trust and responsibilities are placed on the non-commissioned officer backbone of the Marine Corps where “In combat, they make hard decisions at the point where strategy meets reality, linking commanders’ intents to the actions of their Marines—often in a split second.”<sup>6</sup>

### ***HADITHA—WHERE THE RUBBER MET THE ROAD***

An eye-opening example of small unit leader decision making is highlighted in the 60 Minutes interview of Marine Corps Sergeant Frank Wuterich, the squad leader at the center of the Haditha incident on November 19, 2005. Sergeant Wuterich served seven years in the Marine Corps and volunteered to deploy with Kilo Company, 3rd Battalion, 1st Marines to the Al Anbar province. He is charged with voluntary manslaughter, aggravated assault, reckless endangerment, dereliction of duty and obstruction of justice for his alleged involvement in the death of 24 Iraqi civilians in Haditha; which included men, women, and children as young as two years old.<sup>7</sup> Sergeant Wuterich argued in the 60 Minutes interview that his conduct was within the rules of engagement and he had exercised positive identification (PID).

Although it is easiest to dismiss Sergeant Wuterich’s actions as those of a madman, this would overlook key learning points that could help prevent a similar action from reoccurring. Haditha was a hotbed of insurgent activity in late 2005. Just days prior to the incident, six Marines were ambushed, tortured, and killed with their attackers placing on the internet their gruesome deaths. On the morning of November 19, 2005 during a routine supply run, Sergeant Wuterich’s convoy was attacked by an Improvised Explosive Devise (IED). Although several members of his squad had served in Iraq previously, it was his first combat incident. In the 60 Minutes interview, Sergeant Wuterich provides his reasoning to why he fired upon and killed

five men in a vehicle near the explosion. The entire interview is included in Appendix A for context. Examining the logic of why Sergeant Wuterich stated he fired upon and shot five Iraqi men in the back provides keen insight into the initial incident and subsequent tragic events.

"Because hostile action, if they were the triggermen, would have blown up the IED. Which would also constitute hostile intent. But also at the same time, there were military-aged males that were inside that car. The only vehicle, the only thing that was out, that was Iraqi, was them. They were 100 meters away from that IED. Those are the things that went through my mind before I pulled the trigger. That was positive identification," Wuterich tells Pelley.<sup>8</sup>

He was operating with a misunderstanding of the rules of engagement. Guilt was assumed by proximity, demographics, and "ifs". By inferring hostile intent and without following more restrictive attempts to potentially apprehend the assumed trigger men, Sergeant Wuterich provided a negative example for his squad to emulate and later exceed. These immediate actions were amplified with rising emotions when within two minutes Sergeant Wuterich returned to the vehicle that suffered the impact of the blast. He describes the scene as "...basically a pile of flesh, in essence. That may be a sight I'll never forget. He was missing one of his arms. His legs were completely severed from his body, but they were still attached because for some reason his cami's didn't rip completely."<sup>9</sup> Within the next two minutes, although Sergeant Wuterich stated that he had only heard "sporadic shots, I think I heard two or three, two or three shots from the south and that was it" and although he could not see where the fire was coming from; a house in the "line of sight" caught his eye. When asked why he could determine this house was a threat, he stated "Because that was the only logical place that the fire could come through seeing the environment there."<sup>10</sup>

With this limited information, Sergeant Wuterich requested permission from his superior to assault the house. It is worth noting that two of Sergeant Wuterich's men served in combat in Fallujah in a different environment where the city was painstakingly cleared of citizens and announced that Marines would be clearing block by block with force if necessary. They

approached the residence and upon hearing noises behind a closed door, kicked in the door and tossed in a grenade. When questioned with reference to assaulting a residence without warning and rolling in a grenade, "At that point, you can't hesitate to make a decision. Hesitation equals being killed, either yourself or your men," he says.<sup>11</sup> Although not achieving positive identification, Sergeant Wuterich stated "Well that's what we do. That's how our training goes."<sup>12</sup> The killing was not limited to one residence. He says, "We went through that house much the same, prepping the room with grenades, going in there, and eliminating the threat and engaging the targets...There probably wasn't [a threat], now that I look back on it. But there, in that time, yes, I believed there was a threat."<sup>13</sup> Charges have been referred to general court marshal for now Staff Sergeant Wuterich which is awaiting adjudication. Revenge could have played a part in his conduct. FMFM 1-0 *Leading Marines* articulates "At the heart of the leader's ability to choose correctly is a firm grounding in both institutional and individual values that will point the correct direction, even when the Marine is tired or acting under conditions of extreme stress."<sup>14</sup> The necessity to keep moral compasses pointed true north even when revenge is a potential factor and provide substantive tools to assist our young leaders in the trenches where the "rubber meets the road" are lessons we must gain from this moral debacle.

Current Marine Corps recruit advertising entices young men and women with depictions of epic battles, great obstacles to be overcome, and the challenge to be a part of something greater than self. The three key mantras indoctrinated at entry level training are: the Marine Corps is the greatest fighting force in the world, the unit's success is paramount, and the unit's success depends upon the individual Marine (me). A warrior code is developed that includes the fourteen leadership traits and eleven leadership principles with a tangible line traced back from every Marine throughout history to the present. Shannon French explains the necessity of a

warrior code in the military in *The Code of the Warrior: Exploring Warrior Values Past and Present* for interaction within the warrior organization, overall society and even enemies.

The code of the warrior defines not only how he should interact with his own warrior comrades but also how he should treat other members of his society, his enemies, and the people he conquers. The code restrains the warrior. It sets boundaries on his behavior. It distinguishes honorable acts from shameful acts.<sup>15</sup>

The mission of a Marine Rifle Company is to “close with and destroy the enemy by fire and maneuver”. Every Marine is either doing this or supporting someone to do this or preparing to do this or support someone to do this. The spectrum of operations may fall on a wide continuum from peace keeping to full-combat operations. At decisive times, Marines may be expected to kill in the line of duty. However, nowhere in United States Army or Marine Corps doctrinal publications is killing directly addressed. Dave Grossman addressed in his blockbuster book *On Killing* that although most people are averse to killing; reflexive, Pavlovian techniques that have been used to raise our engagement percentages through desensitization do not assist us both in the necessary discrimination of who to kill and the aftermath of our actions.<sup>16</sup> *Merriam-Webster Online Dictionary* defines reflexive as “characterized by habitual and unthinking behavior”. Reflective is defined as “marked by reflection: thoughtful, deliberative”. Dan Baun noted in *The Price of Valor* that “To win wars, the Army must turn soldiers, momentarily, into reflexive, robotic killers. But, as a volunteer force dependant on the good will of the public, it cannot send home generation after generation of combat traumatized veterans.”<sup>17</sup> Although Marine’s may sometimes kill, they are never permitted to murder. I challenge that it is imperative that we instruct our Marines from both institutional and individual values why when necessary we kill as much as how and when to kill. By doing so, we fulfill our obligations to both accomplish the mission at hand and look after the welfare of our Marines both now and years to come.

## *VIRTUE, ETHICS, AND SOMETHING MORE THAN JUST VALUES*

Marine Corps Commandant James Conway stressed the importance of ethics in his article "Noncommissioned Officers Will Win This War: The Battlefield May Change—But Our Values Are Timeless" in *Leathernecks*.

For us to succeed in this Long War, an ethical mindset is an absolute requirement. Success in a counterinsurgency comes from an ethical mindset in action—knowing right from wrong and having a firm moral compass that guides your actions as a Marine.<sup>18</sup>

Developing this "firm moral compass" with the fortitude to withstand the stresses of the modern battlefield is a major challenge. The Marine Corps remains a reflection of the overall American society and any attempt to institute absolute or universal ethical considerations is ambitious. Don Snider, John Nagl, and Tony Pfaff wrote in the *Army Professionalism, The Military Ethic and Officership in the 21<sup>st</sup> Century* several concerns when developing military ethics in a post modern society.

What many call 'post modernism' is best thought of as a complex collection of beliefs and theories that, in essence, reject the idea that there is any such thing as objective truth, ethical or otherwise. Without an objective standard, 'truth' is left to the individual or group to decide and thus becomes relative to their desires and beliefs.<sup>19</sup>

Moral subjectivism instead of standards to be objectively discussed tends to be the new filter to "do the right thing". The dangerous mantra that "you cannot judge me because you were not there" is accentuated by the theory of simple subjectivism. Moral relativism "denies that there is any objective or absolute truth to moral matters. But Simple Subjectivism goes further than any version of relativism because, instead of claiming that moral codes are relative to certain cultures or epochs, this theory sees morality as radically relative to each particular individual."<sup>20</sup> The individual determines what is right or wrong based upon their perceptions. When encountering an apparent threat, objective standards can be subordinated to the priority and desire to preserve one's life or that of fellow Marines. This sliding scale is an antithesis the Marine Corps warrior ethos. Determining what is and why to "do the right thing" requires intellect and distinction

especially when encountering life-threatening physical threats. "Reasoning and choice" are central to the study of ethics.<sup>21</sup>

In March 2003 prior to crossing the line of departure to conduct offensive operations to free Iraq from Saddam Hussein's oppressive regime, then Major General James Mattis issued his now famous 1<sup>st</sup> Marine Division (REIN) *Commanding General's Message to All Hands*. He stated clearly the "why" the division was to conduct the mission before them to everyone in his charge.

For the mission's sake, our country's sake, and the sake of the men who carried the Division's colors in past battles—who fought for life and never lost their nerve—carry out your mission and keep your honor clean. Demonstrate to the world there is 'No Better Friend, No Worse Enemy' than a U.S. Marine.<sup>22</sup>

In a simple one-page address, General Mattis highlighted the integral part the individual Marine holds in the continued heritage and mission of our Corps, the central role that values operate in the execution of our Corps mission, and the Corps warrior ethos that demands distinction and compassion even on a complex battlefield. This is the reasoning and choice that is demanded of leaders today. How we nurture these values required for the modern battlefield is a crucial leadership responsibility to be examined, emphasized, and implemented with the utmost priority.

In contrast to subjectivist ethics is the ethics of virtue and duty. Aristotle stated "Excellence of whatever kind affects that of which it is the excellence in two ways. (1) It produces a good state in it. (2) It enables it to perform its function well."<sup>23</sup> In an Aristotelian world view, proper habits are nurtured in development and then ethical virtues are combined with practical wisdom once reasoning is fully developed. "Ethics is about obligation, duty, and responsibility. Those who hold a personal and professional creed have the charge of trying to inculcate it in those to whom and for whom they are responsible."<sup>24</sup> The Marine Corps values of honor, courage, and commitment are indoctrinated at its entry level schools and continued throughout leadership training. Unlike business ethics, military ethics is unique in that the individual may be required to place himself or herself at risk of life and limb in order to accomplish the mission. This grand

ideal contemplates the ultimate sacrifice for one's beliefs. James Toner notes in *True Faith and Allegiance: The Burden of Military Ethics* that:

Military ethics has its special burdens, for it confronts always the task of inspiring the life of virtue against the background of preparing resolutely for combat and death. But we know that we learn through suffering and pain, and I hope that rightful military ethics—with its emphasis always on honor—can help restore the desire in our republic and in our feeble schools 'to do the right thing and to love goodness, and to walk humbly with our God.'<sup>25</sup>

For the Marine the reality that he may either kill or be killed causes great reflection and responsibility. Society has placed on designated individuals a weighty responsibility that if not appropriately vetted can lead to being ostracized from society. Clearly established in the oath taken by all U.S. servicemembers,

... that I will support and defend the Constitution of the United States against all enemies foreign and domestic..., the warrior has the awesome responsibility to protect society by the application or threat of controlled violence. The U.S. servicemember, as a warrior, recognizes and counters the dangers of the world, but he must do so according to a strict code of conduct or he becomes what he is sworn to defeat—a savage sociopath, a criminal, a wolf that preys on the helpless.<sup>26</sup>

Keeping in check the potential to abuse this entrusted power especially when placed in difficult, complex combat scenarios requires a defining character. Lewis Sorley noted the difference between the character of effective and failing leaders was "the commitment to an admirable set of values, and the courage to manifest those values in one's life, no matter what the cost in terms of personal success or popularity."<sup>27</sup>

Legal justification to kill by solely applying the Rules of Engagement without determining the moral consequences will both hamper overall mission accomplishment and the long-term welfare of the Marines. Moral Justification and necessity to kill based on the preciousness of human life needs to be highlighted in pre-deployment preparation and training. Thomas Grassey reflects in *Why Ethics Is So Hard* the concern that lawyers are steadily encroaching into the realm of military ethics.

The proliferation of legal requirements, prohibitions, and procedures in modern life, including our professional activities (note the growing role of the judge advocate in operational matters), could lead us to imagine that what is legal is also moral. It is symptomatic that the Defense Department's 'ethics

regulations' are written by lawyers and a JAG officer invariably is designated the 'command ethics counselor.' However, the lawyer's business is with what is lawful, not with what is moral.<sup>28</sup>

Simply because one may be legally authorized to kill, may not make such an act the morally right act. The Marine Corps institutionally should consciously determine whether it desires to hold its members to time honored principles or situational checklists.

United States Army and Marine Corps Warfighting Publication *Counterinsurgency* states "Leaders must ensure that the trying counterinsurgency (COIN) environment does not undermine the values of their Soldiers and Marines. Under all conditions, they must remain faithful to basic American, Army, and Marine Corps standards of proper behavior and respect for the sanctity of life."<sup>29</sup> We place a value on human life from a variety of sources. Jack E. Hoban succinctly wrote in *The Ethical Marine Warrior* that:

We had to go all the way back to our 1776 values for a clue. The foundation of ethical warriorship is that 'all men are created equal.' This often quoted, but largely unexamined phrase pertains to the intrinsic value of life (the life value), not to any relative value, such as culture, ethnicity, religion, or behavior.<sup>30</sup>

A simple paradigm shift to consider how one would desire a foreign army to treat their mother, father, brother, or sister if they were in the United States would cause Marines to rethink counterproductive behaviors and actions in the counterinsurgency fight. Although oversimplified, awareness of the "golden rule" to do unto others as you would have them do unto you may generate the desired results in the current counterinsurgency struggle at greater rates than the hardened warrior model.

In addition to the natural law and constitutional safeguards for human life, the Torah which Christian, Jewish, and Muslim religious authorities observe clearly prescribes definite reasons to take another's life. Genesis Chapter 9:6 declares "Whoever sheds man's blood, by man his blood shall be shed; for in the image of God He made man." There is a requirement for the life for another because life is precious—obligation to kill is to protect human life. The Hebrew language is more descriptive than the English language. The often quoted "Ten



Commandments" prohibition for "killing" uses the Hebrew word "ratsach" which can be best translated "to slay, assassinate, lie in wait and ambush innocent blood." This is a clear prohibition from murder and not the sanctioned killing that flows from the battlefield. Great harm can arise both physically and psychologically when Marines do not see evidence for the need or authority to kill when necessary. It was essential to instruct the moral component of why one kills to the profession of arms in specific regards to the sanctity of all human life. This provides moral strength for today to execute what does not come natural to kill and for years to come as young soldiers and Marines deal with the results of their actions in the heat of battle.

The traditional religious teachings of Judaism and Islam share a quite specific principle of the sanctity of all human life. To save one life, both traditions teach, is to save all mankind. Small acts of decency are redemptive in both traditions, and the lesson for the soldier is to preserve a personal sense of honor and goodness even while serving in the larger enterprise of war.<sup>31</sup>

Augustine extended this obligation even to one's enemy in his advice to the Roman general Boniface that "when faith is pledged, it is to be kept even with the enemy against whom the war is waged."<sup>32</sup> In addition to the Law of War and rules of engagement prohibition of murder, religious texts that the monotheistic religions regard support this consensus.

Louis P. Pojman advocates that even agnostics or atheists could do with adhering to objective principles in his article "In Defense of Ethical Objectivism".

But even if there turns out to be no God and no immortality, we still want to live happy, meaningful lives during our fourscore years on earth. If this is true, then it matters by which we live, and those which win out the test of time will be objectively valid principles.<sup>33</sup>

The principles that we espouse as a Corps are honor, courage and commitment. A more quantitative and qualitative stated value is the overall "respect for the sanctity of life". The reason we potentially kill as warriors is not for vain glory or because we like it; it is to protect human life. However, as Rusworth M. Kidder emphasizes in *Moral Courage*, "Standing up for values is the defining feature of moral courage. But *having* values is different from *living* by values."<sup>34</sup>

## ***MORAL COURAGE***

As a profession, it is vital to determine how best to institute moral courage as the norm into the fighting force. Aristotle noted that virtuous acts do not come naturally but have to be developed through habituation.

The ethical component seeks at each level of analysis to answer questions like 'what should officers and soldiers do?' and 'what kind of leaders should the Army have?' The answers to these questions establish norms of individual and collective behavior, what courses of action, and what outcomes the officer is obligated to seek; in sum, they constitute a professional military ethic.<sup>35</sup>

*Merriam-Webster Online Dictionary* defines courage as the "mental or moral strength to venture, persevere, and withstand danger, fear, or difficulty." Talk must be followed by walk.

The many, however, do not do these actions but take refuge in arguments, thinking that they are doing philosophy, and that this is the way to become excellent people. In this they are like a sick person who listens attentively to the doctor, but acts on none of his instructions. Such a course of treatment will not improve the state of his body; any more than will the many's way of doing philosophy improve the state of their souls.<sup>36</sup>

The MHAT IV study recognized that 66% of OIF 05-07 Marines surveyed reported that they had seen someone in their unit severely injured or killed and described an event where they experienced as "intense fear, helplessness or horror."<sup>37</sup> Rushworth Kidder stresses the weight of moral courage is a trinity of "core values that drive the assessment of risk, the adherence to principle, and the willingness to endure."<sup>38</sup> "Reasoning and choices" return to the forefront of all ethical behavior. An immense challenge to moral courage is the concept of revenge where the risk to self or others overrides adherence to one's principles. The MHAT IV study quantitatively identified that "For all the behaviors under study, Soldier and Marines who had high levels of anger were twice as likely to engage in unethical behaviors on the battlefield compared to those Soldiers and Marines who had low levels of anger."<sup>39</sup> General Mattis not only addressed "why", but reminded his forces "how" to fight as a Marine fights.

Engage your brain before you engage your weapon. Share your courage with each other as we enter the uncertain terrain north of the Line of Departure. Keep faith in your comrades on your left and right and Marine Air overhead. Fight with a happy heart and strong spirit.<sup>40</sup>

The admonition to think before you react could potentially have spared numerous individuals, good units, and the Marine Corps the dark chapter that is now Haditha. Staff Sergeant Wuterich excused in the 60 Minutes interview that:

We reacted to how we were supposed to react to our training and I did that to the best of my ability. You know the rest of the Marines that were there, they did their job properly as well. Did we know that civilians were in there? No. Did we go in those rooms, you know, it would have been one thing, if we went in those rooms and looked at everyone and shot them. You know, we cleared these houses the way they were supposed to be cleared.<sup>41</sup>

Reflectively examining the developing engagement with a firm moral compass instead of reflexively reacting with assurance that you are within the rules of engagement is the standard to instruct and expect from our Marines and ourselves. "Moral courage is not only about facing physical challenges that could harm your body-it's about facing mental challenges that could wreck your reputation and emotional well-being, your adherence to conscience, your self-esteem, your bank account, your health."<sup>42</sup>

The Marine Corps Commandant advocated that "Marines must possess an 'ethical muscle memory' to make instinctive decisions when rounds are impacting nearby, it's 120 degrees, and your buddy is bleeding. An ethical mindset frames the problem—then it takes the moral and physical courage of a Marine to do the right thing!"<sup>43</sup> By following this order, it is argued that Marines will possibly hesitate and any hesitation in combat could cost their lives and those in their units. A reflective mindset is essential in the current environment where non-combatants are surrounded by a few criminals who fire and disappear into the local populace. A bold Marine from the 4<sup>th</sup> Marine Air Wing's Combat and Operational Stress Program shared the following powerful vignette.

I wanted to shoot, but the only option would have been indiscriminately spraying the town with lead. That is not my way. I am a warrior, not a savage. If I could make a beast of myself, then things would be a lot different. Something beyond rage had control of me, but not completely. I kept a small thread of humanity, and so I could pull the trigger. I will not allow myself to murder in a fit or wrath. But, I did want to.<sup>44</sup>

By killing non-combatants, our mission will be compromised and we will endanger other Marines from relatives seeking retribution. "To make matters more complex, in both Iraq and Afghanistan many attacks do not come from political or ideological enemies, but rather from family and tribal groups seeking to obtain power or avenge a perceived wrong such as the death or detention of a member."<sup>45</sup> To not fire when fired upon and civilian casualties could be endangered is difficult. But as C.S. Lewis stated, "Courage is not simply one of the virtues, but the form of every virtue at the testing point."

### ***TRAINING ETHICAL LEADERS***

MHAT IV specifically recommended that the United States Army and Marine Corps mandate "small group pre-deployment Battlemind Training" and "develop Battlefield ethics training based on the "Soldiers' Rules," using OIF-based scenarios so Soldiers and Marines know exactly what behaviors are acceptable on the battlefield and the procedures required for reporting violations."<sup>46</sup> To accomplish this mandate, the United States Marine Corps is testing a discussion guide "To Keep Our Honor Clean". This program is designed to be unit lead by the Company Commander and First Sergeant at the company level and the Platoon Commander and noncommissioned officers at the platoon level.

The purpose of this training is to equip the junior Marine to do the morally right thing. In order to accomplish that purpose the Marine must know what the principles are that are at stake, what the threats to those principles look like, and what support he or she has in making the right decisions.<sup>47</sup>

This coincides with the Marine Corps Commandant stating "I am convinced that Corporals and Sergeants are the best instructors when it comes to rules of engagement and battlefield ethics."<sup>48</sup>

Making pre-deployment training a priority and battlefield discussions mandatory provides the surest foundation to build Corps ethics. One battlefield commander mandated that units discuss after each patrol the situation and circumstances where and when they fired and did not fire.

This exercise proved cathartic in helping Marines discuss their actions and feelings concerning our deadly profession.

Most of us would rather think about more immediately enjoyable things than truth or faith or hope or love. But genuine education calls us to the task of finding out what life really is about, lest in our old age we find ourselves deeply regretting that 'every conversation I can now recall concerned itself with me and with nothing else at all.'<sup>49</sup>

The special trust and confidence, the responsibility of leadership forces us to be proactive in our pursuit of ethical excellence.

Lawrence Kohlberg developed a famous, though disputed model for moral development. Individuals progressed from the pre-conventional level, where they act correctly mostly to avoid punishment; the conventional level, where they respond to peer pressure and concern for reputation; and the post-conventional level during which they reason to determine "universal ethical principles" of right and wrong, and then follow these principles because they have "seen the validity of principles and become committed to them."<sup>50</sup> It is our responsibility to take our junior Marines on an ethical journey where they can lead others. Ethics classes and discussions are not merely a place to discuss horrible circumstances and past moral shortcomings. James Toner remarks:

And ethics classes are the places to learn that, in fact, honorable men and women do not lie; they do not steal; they do not cheat; they do keep their promises; they do their reasonable best to carry out their responsibilities; they try to treat others as they would like to be treated; and they attempt to set right the mistakes and omissions of their lives.<sup>51</sup>

The impact of strong leadership on impressionable young warriors prior to facing a moral dilemma cannot be overrepresented. The MHAT IV survey reinforced that "In general, Marines have more positive perceptions of their leaders than do Soldiers."<sup>52</sup>

James H. Toner lists six tests worth noting for determining whether an action is "right or wrong, honorable or shameful".<sup>53</sup> This deontological approach appeals to one's sense of duty that is highly congruous with our martial culture. It lists:

1. The *shame test* asks whether this action, if publicized would embarrass, discredit, or humiliate me.

2. The *community test* asks whether, in addition to your closest relatives, you would want people in your community—your professional peers—to know about your action.
3. The *legal test* asks whether, if authorities found out, you would likely be put on trial for the action.
4. The *situation test* asks whether there are peculiar or special circumstances requiring extraordinary action. If time and opportunity presented themselves, would you be able to give a satisfactory response to everyone you care about (as well as to a jury of professional colleagues) about why you are taking unusual action now?
5. The *consequences test* asks whether the results of your action are likely to be good. Will the benefits of the action justify the costs?
6. The *God test* asks, if you believe in God, what would his commandment be in this circumstance? Does the Golden Rule apply? Would you want the action done to you? Or, if you do not believe in God, the test asks, is your action universalizable, that is, would you want everyone in the world to be able to do what you are about to do?<sup>54</sup>

This list may not ensure that the Corps values of honor, courage, and commitment are upheld, but a strong discussion prior to deciding in a moment in the heat of battle is beneficial.

### ***MCMAP AND ITS POTENTIAL ROLE IN ETHICAL TRAINING***

“Another central feature of profession, as distinct from a mere occupation, is the ways in which individuals identify with the profession and with fellow members of the profession.”<sup>55</sup> No other program has worked to better incorporate and sustain our Marine warrior ethos than the Marine Corps Martial Arts Program (MCMAP), primarily developed by Lieutenant Colonel Joseph C. Shusko, USMC (Retired). In his article, *The Ethical Warrior of the 21<sup>st</sup> Century*, Shusko states that MCMAP is:

...designed to improve the warfighting capabilities of individual Marines and units, enhance a Marine's self-confidence and esprit de corps, and foster the ethos of the Corps. The focus is on the personal development of each Marine in a team framework, using a standardized, trainable, and sustainable close combat system with three disciplines—physical, mental, and character.<sup>56</sup>

The physical discipline consists of fighting techniques, combat conditioning, and combat sports. The integration of mental and character disciplines while Marines are fatigued and threatened provides the perfect classroom to ingrain institutional values and individual expectations. “By building the character of a Marine we develop the Marine as a warrior-defender, one who embodies our core values and is self-disciplined, confident, and capable of making the right decision under any condition from combat to liberty.”<sup>57</sup>

Steven M. Silver called attention to the key role that junior noncommissioned officers serve in combat and causes for their remarkable influence.

Under combat conditions the role of peers and near peers—that is, immediate leaders—becomes critical. The powerful influence they have, for good or ill, may outweigh personal and Marine ethics. A respected individual in a position of leadership or a close peer who strays from appropriate Marine ethics is likely to take other Marines with him into difficulty. This phenomenon happens because of loyalty, a normally positive manifestation of ethics.<sup>58</sup>

The crucial leadership role of noncommissioned officers cannot be understated. Nowhere is there a greater opportunity for noncommissioned officers to exhibit direction, control, and moral judgment prior to combat than in the MCMAP program. MCMAP is not rank-centric.

Regardless of rank, instructors are given the opportunity to autonomously lead Marines in life threatening scenarios which if not controlled could lead to serious injury. MHAT IV study stated that “Importantly, Soldiers and Marines who rated NCO leadership as high were significantly less likely to screen positive for a mental health problem compared to those Soldiers who rated their NCO leadership as low (28% vs. 11%).<sup>59</sup>

The end state of MCMAP is to develop a professional Marine who is an arms carrying combatant who not only can fight but also understands the moral dimensions of conflict, makes ethical decisions in any situation, and upholds the image and high moral fiber the Corps has prided itself on for over 231 years.<sup>60</sup>

MCMAP provides the proper venue for sustained ethics conditioning.

### ***TAKING CARE OF MARINES BEFORE, DURING, AND AFTER THE BATTLE***

“Doing the right thing” extends beyond the tactical level. Marine leaders fought Army-centric thinking at United States Central Command headquarters that recommended universal application of boots on the ground policies of 365-days for all deploying forces in Iraq. Keeping battalion and below forces that would suffer the brunt of enemy engagements rotations at seven months was validated by the MHAT IV report.

Interestingly, although Marine Regiments deploy for six/seven months, the Marine Expeditionary Force Headquarters deploys for 12 months. This raises an important question as to whether the Army could adopt a similar deployment length strategy whereby maneuver units (battalions and below) deploy for 6 months, with headquarters units deploying anywhere from 12-18 months. Given the dramatically

different combat role of maneuver and headquarters units, this strategy might serve to both sustain the mental health and well-being of the force, while at the same time provide greater continuity in military operations at the operational and strategic level.<sup>61</sup>

The MHAT IV report confirmed that “Good NCO leadership was the key to sustaining Soldier and Marine mental health and well-being.”<sup>62</sup> Since the initial units from Operation Iraqi Freedom began to return stateside, commands were instrumental in expanding “Return and Reunion” programs to assist Marines and families who endured repeated deployments. MHAT IV determined that “These data clearly demonstrates the protective influence that good leadership plays in maintaining Soldier and Marine mental health and well-being, even in the face of extreme combat conditions.”<sup>63</sup> Sergeant Major of the Marine Corps Carleton W. Kent has been vocal in ensuring Marines and Sailors that need or could benefit from mental health programs seek assistance. He has fought to eliminate the stigma attached to Marines and mental health professionals knowing that “Marines who experienced high combat were 4.6 times more likely to screen positive for acute stress (PTSD) and 4.3 times more likely to screen positive for any mental health problem compared to Marines experiencing low combat.”<sup>64</sup> The principle of sanctity of life may appear awkward when discussing taking care of Marines before, during, and after the battle. Jack E. Hoban precisely summed up the necessity to include this key component in discussing ethics.

Our warrior ethics have respect for human equality as the premise—just as it is stated in our philosophy enabling document, the Declaration of Independence. Our warrior ethics charge us to act differently than insurgents—more respectful of all life—killing only to protect lives and when absolutely necessary. The ethical warrior shows respect for the value of life, regardless of the relative values of culture or behavior.<sup>65</sup>

He provides a riveting example of moral courage and the consequences of “doing the right thing”. The late Robert L. Humphrey, a Marine World War II combat veteran, was asked to describe his proudest achievement as he neared the end of his life. He recalled an incident involving a Japanese prisoner on the island of Iwo Jima.



In World War II during the Iwo Jima assault, Japanese soldiers were executing American prisoners and the sad reality is that Americans were reciprocating. While on patrol, Humphrey came upon a Japanese soldier attempting to surrender. Fearing it was a trick, a Marine in his patrol raised his weapon to kill the young Japanese soldier. Humphrey recalled some 50 years later.

On Iwo Jima it was life or death every minute of every day. There was unavoidable killing every day. When I saw that Japanese boy trying to surrender and understood that this was perhaps the only time that I didn't have to kill, I took the opportunity. I believe that action saved my humanity. Like most veterans of Iwo Jima that survived, I was deeply affected by the experience. Yet, I never suffered the profound depression and shell shock PTSD that some of the others did. I attribute it to saving that boy's life. Protecting my enemy, if you will.<sup>66</sup>

## **CONCLUSIONS**

The easy solution to difficult dilemmas such as the Haditha incident is to write off the individuals as morally corrupt anomalies. This would be the reaction of an immature and unhealthy institution. Instead, the Marine Corps undergoes constant self-examination to determine how it can "know itself and seek self-improvement". The exigent moral challenges of complex battlefield that our Marines are encountering are not expected to change in the near future. The Mental Health Advisory Team IV Operation Iraqi Freedom 05-07 report released on 17 November 2006 did not provide startling revelations, but accented the need to address some key leadership challenges facing our Marine Corps. Commandant Conway's call for noncommissioned officers to remain the backbone of the Marine Corps and the best enforcers of battlefield ethics was reinforced by the report. Marine Corps Martial Arts Program (MCMAP) provides the best program to integrate the mental and character disciplines while Marines are fatigued and threatened as the perfect classroom to ingrain institutional values and individual expectations. MCMAP provides great opportunity for noncommissioned officers to exhibit direction, control, and moral judgment prior to combat.

The need is for reflective, thoughtful ethical decision makers for Marines to “keep their honor clean.” Challenges to the stated Marine Corps values of honor, courage, and commitment are presented by American society’s ethical paradigms such as subjectivism. There exists potential tension from the legal authority to kill through narrowly adhering to the rules of engagement and whether or not it is a morally right act. Objective standards to include virtue and values with the “sanctity of life” principle provide the surest foundation to build ethical behaviors based on objective values. Determining objective values is only the beginning; acting upon those values denotes maturity. Moral courage is defined by the “core values that drive the assessment of risk, the adherence to principle, and the willingness to endure.” Reflectively examining the developing engagement with a firm moral compass instead of reflexively reacting with the assurance that you are acting within the rules of engagement is the standard that we must instruct and expect from our Marines and ourselves.

Notes

<sup>1</sup> FMFM 1-0 *Leading Marines* (U.S. Marine Corps, 1995), p. 97.

<sup>2</sup> James T. Conway, "Noncommissioned Officers Will Win This War: The Battlefield May Change—But Our Values Are Timeless" in *Leatherneck* (Quantico: Nov 007. Vol. 90, Iss. 11), p. 22.

<sup>3</sup> James H. Toner, *True Faith and Allegiance: The Burden of Military Ethics* (Lexington, KY: The University Press of Kentucky, 1995), p. 9.

<sup>4</sup> Office of the Surgeon General Multinational Force Iraq; Office of the Surgeon General; *Mental Health Advisory Team IV Operation Iraqi Freedom 05-07*, [http://www.armymedicine.army.mil/news/mhat/mhat\\_iv/mhat-iv.cfm](http://www.armymedicine.army.mil/news/mhat/mhat_iv/mhat-iv.cfm) , p. 36.

<sup>5</sup> MHAT IV, p. 42.

<sup>6</sup> Conway, p. 22.

<sup>7</sup> <http://www.usmc.mil/lapa/Iraq/Haditha/Haditha-Adv-005-080131.htm>.

<sup>8</sup> CBS News, *The Killings in Haditha* (<http://www.cbsnews.com/stories/2007/03/15/60minutes/main2574973.shtml>: New York, September 2, 2007).

<sup>9</sup> CBS News, *The Killings in Haditha*.

<sup>10</sup> CBS News, *The Killings in Haditha*.

<sup>11</sup> CBS News, *The Killings in Haditha*.

<sup>12</sup> CBS News, *The Killings in Haditha*.

<sup>13</sup> CBS News, *The Killings in Haditha*.

<sup>14</sup> FMFM 1-0 *Leading Marines*, p. 40.

<sup>15</sup> Shannon French, *The Code of the Warrior: Exploring Warrior Values Past and Present* (Lanham, MD: Rowman and Littlefield, 2003), p. 3.

<sup>16</sup> Dave Grossman; with Loren W. Christensen; *On Combat: The Psychology and Physiology of Deadly conflict in War and in Peace* (U.S.A.: PPCT Research Publications, 2007).

<sup>17</sup> Dan Baum, "The Price of Valor," *The New Yorker* (12-19 Jul 2004), p. 48-49.

<sup>18</sup> James T. Conway, p. 23.

<sup>19</sup> Don Snider; John Nagl; and Tony Pfaff; *Army Professionalism, The Military Ethic and Officership in the 21<sup>st</sup> Century* (Strategic Studies Institute, Dec. 1999), p. 7.

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<sup>20</sup> Sheila Lintott, "Tony Soprano's Moral Sympathy (or Lack Thereof): The Sopranos and Subjective Ethics," Richard Greene and Peter Vernezze, eds., *The Sopranos and Philosophy* (Chicago, IL: Open Court Press, 2004), p. 74.

<sup>21</sup> James H. Toner, p. 18.

<sup>22</sup> James N. Mattis, *Commanding General's Message to All* (CG, 1<sup>st</sup> Marine Division (REIN), March 2003).

<sup>23</sup> Aristotle. "The Moral Virtues" in *Ethics for Military Leaders* (Boston, MA: Pearson Custom Publishing, 1998), p. 146.

<sup>24</sup> James H. Toner, p. 67.

<sup>25</sup> James H. Toner, p. 147.

<sup>26</sup> Juergen M. Lukas; Keith W. Pankhurst; and Michael S. Hogg; *Mental Armor for Today's Warrior* (Quantico, VA: Marine Corps Gazette, Jul. 2007), p. 35.

<sup>27</sup> Lewis Sorley, "Doing What's Right: Shaping the Army's Professional Environment," in *The Challenge of Military Leadership*, ed. Lloyd J. Matthews and Dale E. Brown (Washington, D.C.: Pergamon-Brassey's, 1989), p. 131.

<sup>28</sup> Thomas Grassey, "Why Ethics is so Hard," *Proceedings* (April 1998), p. 12.

<sup>29</sup> FM 3-24/MCWP 3-33.5, *Counterinsurgency* (Washington, DC: MCCDC, Dec 2006), p. 7-1.

<sup>30</sup> Jack E. Hoban, *The Ethical Marine Warrior* (Quantico, VA: Marine Corps Gazette, Sep. 2007), p. 36.

<sup>31</sup> Peter S. Temes, *The Just War: An American Reflection on the Morality of War in our Time* (Chicago: Ivan R. Dee, 2003), p. 171.

<sup>32</sup> Augustine, *Letters in The Nicene and Post-Nicene Fathers*, ed. Philip Schaff, First Series (Grand Rapids, MI: Eerdmans Publishing, 1956), 1:554.

<sup>33</sup> Louis P. Pojman, "In Defense of Ethical Objectivism," Louis P. Pojman, ed., *Moral Philosophy: A Reader* (Indianapolis, IN: Hackett Publishing Company, 1998), p. 51.

<sup>34</sup> Rusworth M. Kidder, *Moral Courage* (New York, NY: Harper Collins Publishers, 2005), p. 3.

<sup>35</sup> Don Snider; John Nagl; and Tony Pfaff; *Army Professionalism, The Military Ethic and Officership in the 21<sup>st</sup> Century*, p. 6.

<sup>36</sup> Aristotle. "Habits and Virtue" in *Ethics for Military Leaders* (Boston, MA: Pearson Custom Publishing, 1998), p. 155.

<sup>37</sup> MHAT IV, p. 14.

<sup>38</sup> Rusworth M. Kidder, p. 213.

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<sup>39</sup> MHAT IV, p. 38.

<sup>40</sup> James N. Mattis, *Commanding General's Message to All Hands*.

<sup>41</sup> CBS News, *The Killings in Haditha*.

<sup>42</sup> Rusworth M. Kidder, p. 10.

<sup>43</sup> James T. Conway, p. 23.

<sup>44</sup> Juergen M. Lukas; Keith W. Pankhurst; and Michael S. Hogg; *Mental Armor for Today's Warrior*, p. 36.

<sup>45</sup> Tony Pfaff, "Military Ethics in Complex Contingencies," Don Snider and Lloyd Matthews, ed., *The Future of the Army Profession*. New York, NY: McGraw-Hill, 2005), p. 414.

<sup>46</sup> MHAT IV, p. 82.

<sup>47</sup> Draft Discussion Guide for "To Keep Our Honor Clean".

<sup>48</sup> James T. Conway, p. 22.

<sup>49</sup> James H. Toner, p. 94.

<sup>50</sup> Lawrence Kohlberg, *Essays on Moral Development*, in Vol. I: The Philosophy of Moral Development. (New York, NY: Harper & Row, 1981).

<sup>51</sup> James H. Toner, p. 66.

<sup>52</sup> MHAT IV, p. 26.

<sup>53</sup> James H. Toner, p. 130.

<sup>54</sup> James H. Toner, p. 130-131.

<sup>55</sup> Martin Cook, "Army Professionalism: Service to What Ends?" Lloyd Matthews, ed., *The Future of the Army Profession* (New York, NY: McGraw-Hill, 2002), p. 348.

<sup>56</sup> Joseph Shusko, *The Ethical Warrior of the 21<sup>st</sup> Century* (Quantico, VA: Marine Corps Gazette, Feb. 2007), p. 20.

<sup>57</sup> Joseph Shusko, p. 22.

<sup>58</sup> Steven M. Silver, *Ethics and Combat* (Quantico, VA: Marine Corps Gazette, Nov. 2006), p. 76.

<sup>59</sup> MHAT IV, p. 27.

<sup>60</sup> Joseph Shusko, p. 23.

<sup>61</sup> MHAT IV, p. 78.

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<sup>62</sup> MHAT IV, p. 4.

<sup>63</sup> MHAT IV, p. 27.

<sup>64</sup> MHAT IV, p. 21.

<sup>65</sup> Jack E. Hoban, *The Ethical Marine Warrior*, p. 37.

<sup>66</sup> Jack E. Hoban, *The Ethical Marine Warrior*, p. 38.

## The Killings In Haditha

NEW YORK, Sept. 2, 2007

(CBS) This segment was originally broadcast on March 18, 2007. It was updated on Aug. 29, 2007.

On Nov. 19, 2005, United States Marines killed 24 apparently innocent civilians in an Iraqi town called Haditha. The dead included men, women and children as young as two years old. Iraqi witnesses said the Marines were on a rampage, slaughtering people in the street and in their homes. In December, four Marines were charged with murder.

Was it murder? Was Haditha a massacre? A military jury will decide. But, there's no question that Haditha is symbolic of a war that leaves American troops with terrible choices. The Marine making those choices in Haditha was a 25-year-old sergeant named Frank Wuterich. He's charged with 18 murders, the most by far, and he's accused of lying on the day it happened.

Wuterich faces life in prison. None of the Marines charged with murder has spoken publicly about this. Now, Staff Sgt. Wuterich tells *60 Minutes* correspondent **Scott Pelley** he wants to tell the truth about the day he decided who would live and who would die in Haditha.

"Everyone visualizes me as a monster - a baby killer, cold-blooded, that sort of thing. And, it's, you know, that's not accurate, and neither is the story that most of them know of this incident. They need to know the truth," Wuterich tells **Pelley**. Wuterich does not believe 24 dead civilians equates to a massacre.

"No, absolutely not... A massacre in my mind, by definition, is a large group of people being executed, being killed for absolutely no reason and that's absolutely not what happened here," he says.

The day after the killings, bodies were wrapped to conceal the sight of 24 civilians: 15 men, three women and six children killed by shrapnel and gunshot. A year after they died, the Marine Corps announced the charges, which include murder, dereliction of duty, false official statement, and obstruction of justice.

Prosecutors charged Wuterich and three of his Marines with unpremeditated murder -- essentially killing without military justification. To understand how this happened, you need to know where it happened.

Haditha is a town of 70,000, in Anbar province, the heart of the Sunni resistance, where, among the residents, anti-American passions run high. In the months before Wuterich's unit arrived, other Marines here were suffering some of the heaviest casualties in all of Iraq, including the bombing of an armored vehicle that killed 14 Marines. Days before that, six Marines in Haditha were ambushed, tortured and killed. The enemy put it on the Internet where Wuterich and his men saw the bodies and the dog tags of their dead comrades.

As his battalion moved in, it discovered the dilemma that defines Iraq. In Haditha, the population is generally hostile to Americans, but only some are armed fighters. The fighters blend in. You can't pick them out unless they're shooting at you.

"When you got to Haditha with your Marines, who was in charge of the town?" **Pelley** asks.

"For the most part, I don't think anyone was in charge." Wuterich says there was no mayor, city government or police force that he knew of.

Wuterich commanded a squad of 12 men in Kilo Company. They moved into a school administration building they renamed Sparta. They couldn't see the enemy, but it was clear the enemy was watching them.

When he arrived in Haditha, Frank Wuterich had been a Marine more than seven years and was getting out. He didn't have to go to Iraq, but he wanted to see war, so he transferred from his California base to a unit headed into battle. The men in his squad were combat hardened, many on their second or third tours, men who had watched each other's backs through vicious fights.

"As you understood them, what were the rules for using deadly force?" **Pelley** asks.

Wuterich says the biggest thing was PID -- positive identification.

"It means that you need to be able to positively identify your target before you shoot to kill," he says.

The kind of targets they were permitted to shoot to kill included, "...various things," Wuterich says. "Obviously, anyone with a weapon, especially pointed at you... Hostile act, hostile intent was the biggest thing that they had to have, so if they had used a hostile act against you, you could use deadly force. If there was hostile intent towards you, you could use deadly force."

The mission on Nov. 19, 2005 -- the day of the killings -- began before 7 a.m. Wuterich led a convoy to a checkpoint, escorting fresh Iraqi troops and bringing breakfast to the Marines there. It was nothing more than an errand.

Wuterich recounts what happened next.

"Coming back to Sparta we came up going north on River Road... made a left on Chestnut... First two vehicles traveled without incident. My vehicle traveled without incident.

Then, Wuterich felt the blast wave from "a huge, huge explosion. It rocked the truck even that I was in. We see debris from our fourth vehicle hundreds of meters in the air above us coming down, you know, tires, all sorts of different parts. We knew the fourth vehicle had been hit."

The vehicle was devastated by a bomb buried under the road, detonated by remote control. Wuterich, in charge, called for backup and began planning his next move.

## APPENDIX (A)

"Once we have security on the ground and the casualties are being attended to, you want to send somebody out to search for the triggerman," and Wuterich says he believes there was one. Wuterich tells Pelley that until that minute, he had never been in combat before.

Up ahead, a white car was stopped by the side of the road. Five Iraqi men ranging in age from 19 to 29 were ordered out.

"So my immediate thought is okay, maybe this was a car bomb. Okay, maybe these guys had something to do with this IED," Wuterich says.

He says Sgt. Sanick Dela Cruz, who was also charged with murder, yelled at the men to drop to the ground.

"Normally, the Iraqis know the drill when you're over there. They know if something happens, they know exactly what they need to do. Get down, hands up, and completely cooperate. These individuals were doing none of that. They got out of the car [and] as they were going around they started to take off, so I shot at them," he tells Pelley.

As the men ran from Wuterich, he says he shot them in the back.

"How does these men running away from the scene, as you describe it, square with hostile action or hostile intent? Asks Pelley.

"Because hostile action, if they were the triggermen, would have blown up the IED. Which would also constitute hostile intent. But also at the same time, there were military-aged males that were inside that car. The only vehicle, the only thing that was out, that was Iraqi, was them. They were 100 meters away from that IED. Those are the things that went through my mind before I pulled the trigger. That was positive identification," Wuterich tells Pelley.

Other witnesses, including Marines, dispute that the men were running. Wuterich is charged with lying that day to a sergeant, saying the Iraqi men fired on the convoy.

When the vehicle was searched, what was found?

"I believe nothing. I don't remember partaking in the search," he said. "But, as far as I know, there wasn't anything found."

And the men were not armed.

"How much time has passed from the moment of the explosion to the time that you killed these five men?" Pelley asks.

"I would say within about two minutes," Wuterich says.

Next, Wuterich went to his fallen Marines in the bombed Humvee. Lance Cpl. Miguel Terrazas, 20, from El Paso, Texas, was the driver. He describes what he saw.

"...basically a pile of flesh, in essence. That may be a sight I'll never forget. He was missing one of his arms. His legs were completely severed from his body, but they were still attached because for some reason his Cami's didn't rip completely."

In two minutes, one Marine and five Iraqis were dead, but the killing had just begun. Next, Frank Wuterich would lead his men to kill 19 more Iraqi civilians.

Two other Marines were wounded and the medic was treating them. Wuterich was down to eight men and they came under rifle fire. He says he heard "Shots, sporadic shots, I think I heard two or three, two or three shots from the south and that was it."

He says he couldn't see where the fire was coming from, but a house to the south caught his eye.

"This building was right in the line of sight of this explosion here," Wuterich says.

"You did not see fire coming from the house, correct?" asks Pelley.

"I did not see muzzle flashes coming from the house, correct," Wuterich replies.

If he didn't hear rounds coming from the house, how did he identify the house as a threat?

"Because that was the only logical place that the fire could come through seeing the environment there."

When Wuterich's superior, Lt. William Kallop arrived, Kallop gave his okay to assault the house.

At this point it's important to know that even though Wuterich had never cleared houses in combat, two of his men had, and it had been a bitter experience. It was about a year before in Falluja. The residents had been ordered out of the city and the Marines were told anyone left behind was hostile. Lance Cpl. Justin Sharratt, one of Wuterich's men, was in that fatal Falluja house clearing.

In the incident, Marines tossed a grenade past the door and rush in. But the enemy returns fire. One Marine is killed and eight are wounded. Another veteran of Falluja was Lance Corporal Steve Tatum.

Now a year later, Sharratt and Tatum would be charged with murder for what they were about to do in Haditha. Tatum, Wuterich and two others ran from the road at the top, down the ravine to assault the first house -- Wuterich telling the Marines shoot first, ask questions later.

After hearing noises behind a closed door, they kicked in the door and threw in the grenade.

"Frank, help me understand. You're in a residence, how do you crack a door open and roll a grenade into a room?" Pelley asks.

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"At that point, you can't hesitate to make a decision. Hesitation equals being killed, either yourself or your men," he says.

"But when you roll a grenade in a room through the crack in the door, that's not positive identification, that's taking a chance on anything that could be behind that door," Pelley says.

"Well that's what we do. That's how our training goes," he says.

Next, Wuterich says he glanced into the room and he saw bodies.

"...I remember there may have been women in there, may have been children in there," he says. "My responsibility as a squad leader is to make sure that none of the rest of my guys died ... and at that point we were still on the assault, so no, I don't believe [I should have stopped the attack], he tells Pelley.

Wuterich says the back door of the house was open. He hadn't seen the gunman, but he assumed the gunman fled next door. So the Marines hit the next house.

He says, "We went through that house much the same, prepping the room with grenades, going in there, and eliminating the threat and engaging the targets...There probably wasn't [a threat], now that I look back on it. But there, in that time, yes, I believed there was a threat."

In the second house was the Younis family. A 41-year-old man, a 35-year-old woman, a 28-year-old woman, and the children -- Noor, 14; Sabah, 9; Zaine, 3; and Aisha, 2. They were all killed by Wuterich's men.

How does he explain that?

"We reacted to how we were supposed to react to our training and I did that to the best of my ability. You know the rest of the Marines that were there, they did their job properly as well. Did we know that civilians were in there? No. Did we go in those rooms, you know, it would have been one thing, if we went in those rooms and looked at everyone and shot them. You know, we cleared these houses the way they were supposed to be cleared," he says.

Prosecutors have charged Wuterich with murdering 18 people. Among them the people at the car and those in the first house when he ordered his men to "shoot first, ask questions later." Prosecutors say he shot six people in the second house. Wuterich told 60 Minutes that he never fired his weapon. The rules said Wuterich and his Marines were supposed to identify a threat before firing, but the rules also said they could use all necessary force to defend themselves.

"In an insurgency situation, Marines don't get a second chance if they aren't able to fire first, they die," says Neil Puckett, who, along with Mark Zaid, are Wuterich's civilian attorneys.

How can they make the argument that these killings are within the law?

"They're within the law because they were not done without legal justification or excuse," Puckett says. "They were done in a combat environment, in a tactical situation, in order to protect the lives of the remaining Marines who survived the IED that day. And that makes them lawful."

Zaid adds: "And these three one Marines knew -- their buddies and colleagues who had tried to do similar take downs of houses where they tried, in fact, to knock first and shoot later. And the Marines who tried that were dead."

**60 Minutes** wanted to know more about how Marines face this choice - between killing civilians or risking their men. We spoke to a Marine who led a platoon through some of the most hostile territory in Iraq. Donovan Campbell, now a Reserve Captain, estimates he cleared at least 50 houses.

"We have a saying: 'Always know your target and what's beyond it. And no matter what, whether you think you're probably going to kill everyone inside, you still need to know exactly what your target is. Who is it that I'm shooting when I go through the door,'" Campbell says.

Campbell was not in Haditha and he makes no judgment about what the Marines did there. But he told **60 Minutes**, in general, identifying the enemy is critical and has everything to do with the amount of force used to clear a house

Are there circumstances under which you'd declare an entire house hostile and go in with the intention of just killing everyone inside?

Campbell says yes. "You have to have the context of heavy enemy involvement in the area and then I think you have to have a more specific operating context that deals specifically with that house. You know there are several insurgents inside and you need to go in and get them out because they are attacking you."

How do you know? Campbell tells Pelley almost always, you have to see them.

"In your opinion," asks Pelley, "you have to lay eyes on someone with a weapon in that house in order to assault the house and kill everyone inside?"

Campbell says, "Yes, but you never go in with the intention of I'm going to kill every living soul inside."

There was a third house that morning. Wuterich and Sharratt found a man with a rifle inside. They killed him and others. Later, more armed Iraqis were spotted. They were killed by an air strike.

There were also survivors from the first two houses. Two of them were girls who told reporters that the Marines shouted at their families before they started firing.

Pelley tells Wuterich, "the accusation is made that your men went berserk that you got hit by an IED, one of the favorite guys in the squad was cut in half and lying in the road and your guys went nuts. You dropped the five guys next to the car because they happened to be there and then you went to the closest house and then you went down the hallway throwing grenades and shooting and you just killed everybody you could find."

## APPENDIX (A)

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"That's absolutely untrue," Wuterich responds. "My emotion was pushed back. My training came to play... but going completely crazy and acting wild, I don't know who came up with that, but it's false."

There's no evidence the Marines at Haditha tried to hide the high number of casualties. But for reasons we don't know, a higher Marine headquarters issued a press release that said 15 civilians had been killed by the roadside bomb. Two months later, photos showing gunshot wounds were obtained by Time magazine's Tim McGirk. Opponents of the war, notably congressman John Murtha, seized on them.

"Our troops overacted because of the pressure on them and they killed innocent civilians in cold blood," he said.

On June 1, 2006, President George W. Bush said "...the allegations are very troubling for me and equally troubling for our military, especially the Marine Corps."

Wuterich finished his Iraq tour and, before he was charged, he was promoted by the Marine Corps. He's back home on a base in the U.S., and when *60 Minutes* visited, he and his wife Marisol were planning a birthday party for one of their two daughters. Not long after, Marisol gave birth to a third little girl. Wuterich's enlistment is up, but he's being kept in the military, at a desk job, until his court martial.

"What I did that day, the decisions that I made, I would make those decisions today," he says.

"What I'm talking about is the tactical decisions. It doesn't sit well with me that women and children died that day," Wuterich says.

"There is nothing that I can possibly say to make up or make well the deaths of those women and children and I am absolutely sorry that that happened that day."

What was Wuterich thinking when he went to bed that night?

"That I'm not sure I want to go to sleep tonight, because I don't know what I'm going to dream."

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